



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: WA State Department of Agriculture

- ☐ Preproposal Statement of Inquiry was filed as WSR _____; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) The Department of Agriculture is responsible for administering elections for advisory votes, marketing order referenda, and board member selection. The proposed rule will address the issue of how the Department of Agriculture will respond and process unsigned ballot envelopes, which is part of the certification process to vote.

Hearing location(s):

Washington State Department of Agriculture
Natural Resources Building
Second Floor, Conference Room 259
1111 Washington Street SE
Olympia, WA 98504-2560

Date: March 23, 2005 Time: 10:00a.m.**Submit written comments to:**

Name: George Huffman
Address: WA State Department of Agriculture
PO Box 42560
Olympia, WA 98504-2560
e-mail: ghuffman@agr.wa.gov
fax: (360) 902-2092 by March 24, 2005 - 5:00p.m.

Assistance for persons with disabilities: ContactRochelle Painter at (360) 902-2060 by March 16, 2005.

TTY: (360) 902-1996

Date of intended adoption: April 1, 2005

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rule is new and does not affect existing permanent rules. It proposes to make permanent the emergency rule adopted December 20, 2004. The proposed new rule sections establish Department procedures for conducting commodity commission elections for advisory votes, marketing order referenda, and board member selection and specifically address how the Department will handle unsigned ballot envelopes submitted by voters.

Reasons supporting proposal:**Statutory authority for adoption:** RCW 15.65.047 and RCW 15.66.055**Statute being implemented:** RCW 15.65 and RCW 15.66**Is rule necessary because of a:**

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

DATE

NAME (type or print)

Valoria H. Loveland

SIGNATURE

TITLE

Director

CODE REVISER USE ONLYCODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

FEB 16 2005

TIME

WSR

1118
05-05-098AM
PM

(COMPLETE REVERSE SIDE)

Procedural Rules for Administrative Function for Commodity Commissions Elections

NEW SECTION

16-501-525 Unsigned ballot envelopes: advisory votes, referenda, and board member elections. The director of the department of agriculture is responsible for administering elections for advisory votes, marketing order referenda and board member selection as required in chapters 15.65 and 15.66 RCW.

(1) The Department will mail ballots to those eligible to vote in each election according to the terms of the applicable statute and marketing order. Each voter will be provided an official ballot, instructions for voting, a security envelope and a return ballot-mailing envelope with a "Certificate of Eligibility" (certification) printed on the reverse side of the envelope.

(2) After casting its vote in the election, an eligible voter must place the ballot in the security envelope. The security envelope is then to be placed in the ballot-mailing return envelope with the certification on the reverse side. To validate its ballot, the voter is required to complete, sign and date the certification.

(3) In the event a ballot is submitted to the Department and the certification is not signed and dated in accordance with the instructions contained on the outside of the ballot-mailing return envelope or the ballot is returned in a different envelope without a certification, the Department shall process the ballot and the ballot-mailing return envelope as follows, if the Department is able to ascertain the identity of the eligible voter from the envelope:

(a) The Department will not open the ballot-mailing return envelope, but will make a copy of the reverse side of the ballot-mailing return envelope with the printed certification. The original ballot-mailing return envelope will be held by the Department.

(b) The Department will provide the eligible voter with a copy of the ballot-mailing return envelope with the certification and require the voter to sign the copy of the certification and mail it back to the Department so that it is received not later than the date specified in the correspondence accompanying the certification.

(c) The Department shall advise the voter about the correct procedures for completing the unsigned certification and that, in order for the ballot to be counted, the